IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4632 of 1999
with
CIVIL APPLICATION NO.12365 OF 1999
with
SPECIAL CIVIL APPLICATION No 4638 of 1999
with
CIVIL APPLICATION NO.12366 OF 1999

For Approval and Signature:

Hon'ble MR.JUSTICE JAYANT PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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ANTIFRICTION BEARINGS CORPN. LTD.

Versus

GUJARAT ELECTRICITY BOARD

Appearance:

1. Special Civil Application No. 4632 of 1999
MR GM JOSHI for Petitioner No. 1
MR SP HASURKAR for Respondent No. 1
NOTICE SERVED BY DS for Respondent No. 2
2. Special Civil Application No. 4638 of 1999
MR GM JOSHI for Petitioner No. 1
MR SP HASURKAR for Respondent No. 1

CORAM : MR.JUSTICE JAYANT PATEL

Date of decision: 04/04/2002

ORAL JUDGEMENT

Rule. Heard Mr.G.M.Joshi for petitioners and Mr.S.P.Hasurkar for respondents. With the consent of learned advocates for parties matter taken up for final hearing today.

2. During the course of arguments the learned counsel for the parties drew the attention of this court to the clause (xi) of the agreement executed between the petitioners and the respondent on 24.6.96. Clause (xi) of the Agreement reads as under:

"(xi) In the event of any dispute or difference, these will be settled at joint level of Board's and company's Chairman/Managing Director if need be."

3. Learned counsel of both the parties agreed that the present dispute may be settled in terms of clause (xi) of the agreement. Learned counsel for the petitioners submitted that, if the matter is not settled between the parties as per clause (xi) of the agreement, the petitioners may be permitted to file a fresh petition. It is also submitted by the learned counsel for the petitioners that the petitioners are paying the electricity charges as per present calculation given by the Board and the petitioners may continue to pay the electricity charges as per the present bills and the payment of arrears be stayed till the decision of the dispute.

4. The Chairman/Managing Director of the Gujarat Electricity Board and the Chairman/Managing Director of the petitioner company may settle the present dispute between the parties as per clause (xi) of the agreement and till the decision of the matter as per clause (xi) the petitioner company will continue to pay charges as per the present billing method.

5. Both the sides are directed to act according to the aforesaid submissions and statements.

6. Both the petitions are disposed of accordingly.

Rule in each petition is made absolute to the aforesaid extent. No order as to costs.

7. In view of the disposal of both the pettiions, civil applications in both the petitions do not survive and they stand disposed of accordingly.

3.4.2002 (JAYANT PATEL,J)